

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

Re: ECF No. 3893

URGENT JOINT MOTION FOR EXTENSION OF DEADLINES

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Authority (“AAFAF”), and María E. Vicéns Rivera (“Vicéns-Rivera” and with AAFAF, the “Parties”), respectfully submit this urgent joint motion for extension of deadlines, substantially in the form attached hereto as Exhibit A (the “Proposed Order”), extending the deadlines set forth in the *Order Regarding Correspondence Received by the Court on August 27, 2018* [ECF No. 3893] (the “Scheduling Order”).

Request for Relief

1. On September 7, 2018 the Court entered the Scheduling Order informing that the Court had received an email sent by Mr. Javier Mandry Mercado (“Mr. Mandry”) referencing a

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

dispute (the “Civil Action”) in the Commonwealth Court of First Instance (the “Commonwealth Court”) and indicating that he wished to file an adversary complaint in connection with Cases No. 17-3283 and 17-3567.

2. In the Scheduling Order, this Court denied without prejudice Mr. Mandry’s request to file an adversary proceeding as it found his request was not necessary. In addition, the Scheduling Order also directed AAFAF and Vicéns-Rivera to file a joint status report by September 17, 2018 at 5:00 PM providing a summary of the Civil Action, the relief sought, the parties involved and the procedural status of the same. Moreover, the Court also requested that the status report address whether given that the motion attached to the email sent by Mr. Mandry and apparently filed in the Commonwealth Court appears to recognize Mr. Mandry as a person with an interest in the Civil Action and whether Mr. Mandry was consulted in connection with the *Stipulation Modifying the Automatic Stay Between the Puerto Rico Highways and Transportation Authority and Sucesión Pastor Mandry Mercado*.

3. AAFAF and Vicéns-Rivera are working diligently to obtain the necessary information, including certified translations of pertinent documents from the Commonwealth Court, to include in the joint status report. Nevertheless, AAFAF and Vicéns-Rivera need additional time to complete this process and finalize the joint status report. In consideration of the foregoing, AAFAF and Vicéns-Rivera request the following extension of the deadline set forth in the Scheduling Order:

- The deadline for AAFAF and Vicéns-Rivera to file the joint status report shall be extended to **September 19, 2018**.

4. Pursuant to Paragraph 1.H of the *Fifth Amended Notice, Case Management and Administrative Procedures* [Case No. 17 BK 3283, ECF No. 3730-1] (the “Case Management”

Procedures”), AAFAF and Vicéns-Rivera hereby certify that they have carefully examined the matter and concluded that there is a true need for an urgent motion; they have not created the urgency through any lack of due diligence; have made a bona fide effort to resolve the matter without a hearing; have made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

5. AAFAF discussed this request with Mr. Mandry who consented to the relief requested herein.

Notice

6. AAFAF and Vicéns-Rivera have provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors’ bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties; (i) all parties filing a notice of appearance in these Title III cases; and (j) Movant. A copy of the motion is also available on the Debtors’ case website at <https://cases.primeclerk.com/puertorico/>.

7. AAFAF and Vicéns-Rivera will also serve a copy of this motion by certified mail and email to Mr. Mandry’s last known address.

8. The Parties submit that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, AAFAF and Vicéns-Rivera respectfully request the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: September 17, 2018
San Juan, Puerto Rico

Respectfully submitted,

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Exhibit A

Proposed Order